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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,546	02/09/2004	Michael J. Duffy	TPL 0139 PUS	1121
22045	7590	12/02/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/774,546	DUFFY, MICHAEL J.	
	Examiner	Art Unit	
	Hilary Gutman	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagy in view of Thomas and Barkley.

Nagy (6,618,904) discloses a vehicle closure hinge for a vehicle body with a compartment opening, the hinge comprising: a link assembly forming a scissors link for displacing said closure hinge with respect to said opening; a spring 44, integrally carried by said link assembly, and having a laterally coiled strand, said coil strand having a first coil end with a first strand end, an opposite end; and a mount 12 securing said link assembly to said vehicle body.

Nagy lacks the specific spring recited including a second strand portion extending across the coil from said opposite coil end to said first coil end, to engage said link assembly at said first coil end.

Thomas (2,482,883) teaches a spring having a laterally coiled strand, said coil strand having a first coil end with a first strand end, an opposite end, and a second strand portion extending across the coil from said opposite coil end to said first coil end, to engage an assembly at said first coil end (as best seen in Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the spring of Thomas in place of the spring of Nagy in order to prevent the need for excess attachment of the spring to a tab 52 on the mount 12.

Nagy, as modified, lacks the closure hinge mounted in a peripheral channel of the vehicle body.

Barkley (6,070,929) teaches a deck lid linkage placed in a peripheral channel of a compartment opening of a vehicle body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the closure hinge of Nagy, as modified, in a peripheral channel as taught by Barkley in order to provide the closure hinge out of the way.

With regard to claim 2, the integral assembly is installed as a unit in said channel.

With regard to claim 3, said strand is geometrically shaped to adjust spring biasing tension in said coil.

2. Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borsani in view of Thomas and Barkley.

Borsani (3,363,281) discloses a vehicle closure hinge for a vehicle body with a compartment opening, the hinge comprising: a link assembly forming a scissors link for displacing said closure hinge with respect to said opening; a spring 17, integrally carried by said link assembly; and a mount 1 securing said link assembly to said vehicle body.

With regard to claim 6, said link assembly comprises a Watt six bar mechanism.

With regard to claim 7, at least two bars 5, 9 in said link assembly are duplicates.

Borsani lacks the specific spring claimed.

Thomas (2,482,883) teaches a spring integrally carried by a link assembly, and having a laterally coiled strand, said coil strand having a first coil end with a first strand end, an opposite end, and a second strand portion extending across the coil from said opposite coil end to said first coil end, to engage said link assembly at said first coil end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the spring as taught by Thomas upon the hinge of Borsani in order to allow the door or closure member to pop-up and assist a user in opening the closure.

Borsani, as modified, lacks the closure hinge mounted in a peripheral channel of the vehicle body.

Barkley (6,070,929) teaches a deck lid linkage placed in a peripheral channel of a compartment opening of a vehicle body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the closure hinge of Borsani, as modified, in a peripheral channel as taught by Barkley in order to provide the closure hinge out of the way.

3. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borsani in view of Thomas.

Borsani (3,363,281) discloses a vehicle closure hinge for a vehicle body with a compartment opening and a closure panel (inherent, not shown), the hinge comprising: a Watt six-bar link assembly forming a scissors link for displacing said closure panel with respect to said opening; and a spring 17, integrally carried by said link assembly.

With regard to claim 16, a mount 1 is provided to installing said link as a unit in said vehicle body.

Borsani lacks the specific spring claimed.

Thomas (2,482,883) teaches a spring integrally carried by a link assembly, and having a laterally coiled strand, said coil strand having a first coil end with a first strand end, an opposite end, and a second strand portion extending across the coil from said opposite coil end to said first coil end, to engage said link assembly at said first coil end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the spring as taught by Thomas upon the hinge of Borsani in order to allow the door or closure member to pop-up and assist a user in opening the closure.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borsani, as modified, and applied to claim 16 above and further in view of Barkley.

For claim 17, Borsani, as modified, lacks the closure hinge mounted in a peripheral channel of the vehicle body.

Barkley (6,070,929) teaches a deck lid linkage placed in a peripheral channel of a compartment opening of a vehicle body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the closure hinge of Borsani, as modified, in a peripheral channel as taught by Barkley in order to provide the closure hinge out of the way.

*Allowable Subject Matter*

5. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. The indicated allowability of claims 1-3, 6-7, and 15-17 is withdrawn in view of the newly discovered reference(s) to Thomas (2,482,883). Rejections based on the newly cited reference(s) are set forth above.

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hilary Gutman  
November 29, 2005